

REMARKS

Claims 2-20 are pending in the present application. The Office Action rejected claims 2-5, 10-15, and 17-20 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Office Action also rejected claims 2-20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Published Patent Application No. 2003/0207245 (hereinafter "*Parker*") in view of U.S. Patent No. 6,233,618 (hereinafter "*Shannon*"). For at least the reasons set forth below, Applicant respectfully traverses these bases for rejection.

1. **Doubling Patenting**

Applicant makes a note of the provisional doubling patenting rejection of claims 2-4 and will address it when the rejection is made formal.

2. **35 U.S.C. § 101**

The Office Action rejected claims 2-5, 10-15, and 17-20 under § 101 as being directed to non-statutory subject matter. Claims 3-5 and 10-15 are dependent, either directly or indirectly, upon claim 2, while claims 18-20 are dependent upon claim 17.

a. **Claims 2-5 & 10-15**

Claim 2 is directed to a method for filtering and monitoring web browsing in a multi-level system for a plurality of users operatively connected to the system via a network. The method calls for defining a plurality of levels on a server of the system operatively connected to the network, where at least one level comprises filtering and monitoring, establishing at the server a hierarchy for the plurality of levels, where the

hierarchy defines levels that are above other levels and levels that are below other levels, where each level is able to inherit any filtering and monitoring of levels above, and creating a user account associated with the at least one of the plurality of levels on the server, where the user account controls filtering and monitoring applied to other user accounts associated with levels below the at least one of the plurality of levels.

As amended, claim 2 calls for a server operatively connected to the network to which the plurality of users is operatively connected. An example of the server is described throughout the written description, including at paragraphs 3, 54, 55, and 58. A plurality of levels, a hierarchy for the plurality of the levels, and a user account associated with at least one of the plurality of levels are all defined, created, or established at the server. Accordingly, the method set forth in claim 2 is tied to another statutory class and is thus directed to statutory subject matter. Claims 3-5 and 10-15 are dependent on claim 2, include the same limitations thereof, and, for the same reasons, are directed to statutory subject matter. Applicant respectfully requests withdrawal of the cited rejection.

b. Claims 17-20

Claim 17 is directed to a method for filtering and monitoring web browsing for content. The method calls for identifying requirements associated with content or data about content, where at least one of the requirements is based on categorization of keywords so as to establish a first category of information consistent with a particular requirement of a group of users, where the first category is not based on appropriateness,

and so as to establish a second category of information based on appropriateness, storing data representative of the first and second categories on a server, and setting a level of filtering and monitoring at the server based on the first and second categories.

As amended, claim 17 calls for storing on a server data representative of a first category of information consistent with a particular requirement of a group of users and a second category of information based on appropriateness. Additionally, the level of filtering and monitoring based on the first and second categories is set at the server. As noted above, the server is described throughout the written description. Accordingly, the method set forth in claim 17 is tied to another statutory class and is thus directed to statutory subject matter. Claims 18-20 are dependent on claim 17, include the same limitations thereof, and, for the same reasons, are directed to statutory subject matter. Applicant respectfully requests withdrawal of the cited rejection.

3. 35 U.S.C. § 103(a)

The Office Action rejected claims 2-20 under 35 U.S.C. § 103(a) as being unpatentable over *Parker* in view of *Shannon*. Claims 3-16 are dependent upon claim 2, while claims 18-20 are dependent upon claim 17.

a. Claims 2-16

As set forth above, claim 2 is directed to a method for filtering and monitoring web browsing in a multi-level system for a plurality of users operatively connected to the system via a network. The method calls for defining a plurality of levels on a server of the

system operatively connected to the network, where at least one level comprises filtering and monitoring, establishing at the server a hierarchy for the plurality of levels, where the hierarchy defines levels that are above other levels and levels that are below other levels, where each level is able to inherit any filtering and monitoring of levels above, and creating a user account associated with the at least one of the plurality of levels on the server, where the user account controls filtering and monitoring applied to other user accounts associated with levels below the at least one of the plurality of levels.

In contrast, *Parker* is directed to a modularized course presented to a user via a network. *Parker*, ¶ 8. In *Parker*, professors and teachers are coupled to the Internet in order to interact with the system. *Id.* at ¶ 26. *Parker* describes the database tables and relationships necessary to effect the system. *Id.* at ¶¶ 34-50. *Parker* discloses a roles table that associates a role ID with a role, such as a teacher or professor. *Id.* at ¶ 52. The role table also associates the ID with each role's privileges, such as the ability to assign or change a grade. *Id.*

Parker does not, however, disclose the claimed invention because it fails to disclose at least one element of the method set forth in claim 2. For instance, *Parker* does not disclose a hierarchy of a plurality of levels, where each level can inherit any filtering and monitoring of levels above. In fact, *Parker* is silent as to any hierarchy. Because *Parker* does not disclose a hierarchy, it cannot disclose establishing such a hierarchy at a server operatively connected via a network to a multi-level system. The role table disclosed in

Parker does not establish a hierarchy defining levels that are above other levels and levels that are below other levels, nor does the role table disclose the ability of each level to inherit any filtering and monitoring of levels above.

Parker additionally fails to disclose other elements of claim 2. For example, *Parker* does not disclose creating a user account associated with the at least one of the plurality of levels on the server, wherein the user account controls filtering and monitoring applied to other user accounts associated with levels below the at least one of the plurality of levels. As noted above, *Parker* is silent as to the required hierarchy. Accordingly, *Parker* is incapable of disclosing a user account that controls filtering and monitoring applied to other user accounts associated with levels below the level associated with the user account. Nonetheless, *Parker* is silent as to a user account that controls filtering and monitoring and is thus silent as to a user account that controls filtering and monitoring applied to other user accounts. The role table disclosed in *Parker* does not disclose a user account that controls the filtering and monitoring applied to other user accounts associated with levels below the at least one level associated to the user account.

Shannon fails to remedy the deficiencies of *Parker* with respect to the claimed invention. *Shannon* is directed to a network device, such as a proxy server, bridge, router, or firewall, interconnected between a first and second computer network. *Shannon*, col. 3, lines 36-45. The network device includes an access control effected by cross referencing information in a request with access control data in at least one control database. *Id.* at col.

3, line 59 – col. 4, line 5. *Shannon* states that the network device provides access control based upon the requests made by whom, at what times, and according to different categories of subject matter. *Id.* at col. 4, lines 26-31. *Shannon* discloses, at several instances, one administrator that is responsible for administering an access control policy. *See, e.g., id.* at col. 6, lines 16-27 & col. 8, lines 13-23 (emphasis added). *Shannon* also states that each client computer may be associated with one or more groups used for access control. *Id.* at col. 7, lines 12-25.

Shannon does not, however, disclose at least one of the elements of claim 2 that are absent from *Parker*. For instance, *Shannon* does not disclose a hierarchy of a plurality of levels, where the hierarchy defines levels that are above other levels and levels that are below other levels, where each level can inherit any filtering and monitoring of levels above. In fact, *Shannon* discloses one administrator responsible for administering an access control policy. Such an administrator teaches away from the claimed method that requires establishing a hierarchy of a plurality of levels defining levels that are above other levels and levels that are below other levels, where each level can inherit any filtering and monitoring of the levels above. Regardless, *Shannon* is silent as to the ability of each level to inherit any filtering and monitoring of levels above.

Moreover, *Shannon* fails to remedy the deficiencies of *Parker* because it fails to disclose other elements of claim 2 that are also not disclosed by *Parker*. For example, *Shannon* does not disclose creating a user account associated with the at least one of the

plurality of levels on the server that controls filtering and monitoring applied to other user accounts associated with levels below the at least one level associated with the user account.

The Office Action appears to recognize that neither *Parker, Shannon*, nor their combination disclose several of the elements set forth in claim 2. That is, when referring to the elements discussed above, the Office Action alleges that these steps of the claimed invention are old and known to one of ordinary skill in the art. Obviously missing from the Office Action is any factual bases for these statements. Applicant assumes that the Office Action intended to take official notice that these elements are old and known to one of ordinary skill in the art, but the Office Action is even silent as to this effect.

"Official notice without documentary evidence to support [such a] conclusion is permissible only in some circumstances." MANUAL OF PATENT EXAMINING PROCEDURE ("MPEP") § 2144.03. "[T]hese circumstances should be rare when an application is under final rejection or action," which is the case at bar. *See id.* "Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known." *Id.* This, however, is not the case at bar. "It [is] not appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known." *Id.* (emphasis in original). Applicant

hereby challenges the factual assertion that these elements are old and known. Accordingly, the Patent Office “must provide documentary evidence in the next Office action if the rejection is to be maintained.” *Id.*

Additionally, the Office Action fails to provide adequate support or evidence for the rationale to combine *Parker* with *Shannon*. As explained in more detail below, incorporating the network device of *Shannon* into *Parker* would render it ineffective or inoperable for its intended purpose. For at least this reason, there can be no factual support for a rationale that it would have been obvious to combine *Shannon* with *Parker*. Applicant therefore requests that documentary evidence necessary to support such an allegation be contained in the next action should the rejection be maintained. *See* MPEP § 2144.03. Accordingly, the Office Action has failed to present an acceptable case of obviousness pursuant to 35 U.S.C. § 103(a).

Furthermore, it would not have been obvious to one of ordinary skill in the art to modify *Parker* by adopting the teachings of *Shannon*, as alleged by the Office Action. As set forth above, *Shannon* discloses a network device that is interconnected between a first and second network. *Shannon*, col. 3, lines 35-45. The first network is a LAN, while the second network is a WAN. *Id.* Referring to Figure 1, for instance, *Shannon* discloses the users of the system (50, 51, 52, and 53) connecting to the Internet (45) through the network device. *Shannon* touts the advantages of such a system in several locations. *See, e.g., id.* at col. 6, lines 4-14 & col. 12, lines 16-36.

Parker, on the other hand, discloses a plurality of users, including those on a LAN and those not on the LAN, connected to the system. *Parker*, ¶¶ 21, 24, & 26. Referring to Figure 1, for example, *Parker* discloses both staff (112) within the LAN and end users (102) outside of the LAN connected to the system. End users (102) are coupled to the Internet in order to connect to the system. See Figure 1. Incorporating the network device of *Shannon* into the distance learning system of *Parker* would be ineffective to provide access control for at least the portion of the users coupled to the Internet outside of the LAN as disclosed in *Parker*. For instance, a user connected outside of the LAN disclosed in *Shannon*, such as the end users (102) in Figure 1 of *Parker*, would not be subject to the access control policy of the network device disclosed in *Shannon*. This is because their requests would not pass through the device. Accordingly, incorporating the network device of *Shannon* into the learning system of *Parker* would not be an appropriate solution to the problem of access control as described in *Shannon*. Therefore, it would not have been obvious to one of ordinary skill in the art to modify *Parker* by adopting the teachings of *Shannon* to provide access control to users of the claimed invention.

For at least the reasons set forth above, claim 2 is not unpatentable over *Parker* in view of *Shannon*. Claims 3-16 are dependent upon claim 2, recite additional limitations, and are therefore patentable in their respective combinations. Withdrawal of the rejection based on § 103(a) is respectfully requested.

b. Claims 17-20

As set forth above, claim 17 is directed to a method for filtering and monitoring web browsing for content. The method calls for identifying requirements associated with content or data about content, where at least one of the requirements is based on categorization of keywords so as to establish a first category of information consistent with a particular requirement of a group of users, where the first category is not based on appropriateness, and so as to establish a second category of information based on appropriateness, storing data representative of the first and second categories on a server, and setting a level of filtering and monitoring at the server based on the first and second categories.

In contrast, *Parker* is directed to a modularized course presented to a user via a network. *Parker*, ¶ 8. In *Parker*, professors and teachers are coupled to the Internet in order to interact with the system. *Id.* at ¶ 26. *Parker* describes the database tables and relationships necessary to effect the system. *Id.* at ¶¶ 34-50. *Parker* discloses a roles table that associates a role ID with a role, such as a teacher or professor. *Id.* at ¶ 52. The role table also associates the ID with each role's privileges, such as the ability to assign or change a grade. *Id.*

Parker does not, however, disclose the claimed invention because it fails to disclose at least one element of the method set forth in claim 17. For instance, *Parker* does not disclose identifying requirements associated with content or data about content, where at

least one of the requirements is based on categorization of keywords so as to establish a first category of information consistent with a particular requirement of a group of users. In fact, *Parker* is silent as to categorization of keywords or any of the other elements of this limitation.

Parker additionally fails to disclose other elements of claim 17. For example, *Parker* does not disclose storing data representative of the first and second categories on a server. Because *Parker* is silent as to this limitation, it is naturally silent as to the limitation of setting a level of filtering and monitoring at a server based on the first and second categories. In fact, *Parker* is silent with respect to requirements associated with content or data about content, categorization of keywords, and appropriateness of information.

Shannon fails to remedy the deficiencies of *Parker* with respect to the claimed invention. *Shannon* is directed to a network device, such as a proxy server, bridge, router, or firewall, interconnected between a first and second computer network. *Shannon*, col. 3, lines 36-45. *Shannon* states that filtering based solely upon supposedly objectionable words is not foolproof. *Id.* at col. 3, lines 15-27. *Shannon* indicates that a webpage containing such a word published by a respected government research center may be blocked. *Id.* *Shannon* also discloses a database containing a list of uniform resource locators ("URLs") for servers containing restricted material. *Id.* at col. 8, lines 24-48.

Shannon does not, however, disclose at least one of the elements of claim 17 that is also absent from *Parker*, and therefore fails to remedy the deficiencies of *Parker*. For

instance, *Shannon* does not disclose setting a level of filtering and monitoring at the server based on a first category of information consistent with a particular requirement of a group of users and on a second category of information based on appropriateness. While *Shannon* states that filtering based solely upon objectionable words is not foolproof and also discloses a database of restricted destinations, it does not disclose or describe setting a level of filtering and monitoring based on information consistent with a particular requirement of a group of users and based on information based on appropriateness.

The Office Action appears to recognize that neither *Parker*, *Shannon*, nor their combination disclose several elements of claim 17. That is, when referring to claim 17, the Office Action alleges that the steps of the claimed invention are old and known to one of ordinary skill in the art. Obviously missing from the Office Action is any factual bases for these statements. Applicant assumes that the Office Action intended to take official notice that these elements are old and known to one of ordinary skill in the art, but the Office Action is even silent as to this effect.

As explained above, such a rejection is inadequate pursuant to 35 U.S.C. § 103(a). Applicant hereby challenges the factual assertion that these elements are old and known. Accordingly, the Patent Office “must provide documentary evidence in the next Office action if the rejection is to be maintained.” MPEP § 2144.03. Additionally, the Office Action fails to provide adequate support or evidence for the rationale to combine *Parker* with *Shannon*. As explained above, incorporating the network device of *Shannon* into *Parker*

would render it ineffective or inoperable for its intended purpose. Applicant therefore requests that documentary evidence necessary to support such an allegation be contained in the next action should the rejection be maintained. *See id.* Accordingly, the Office Action has failed to present an acceptable case of obviousness pursuant to 35 U.S.C. § 103(a).

For at least the reasons set forth above, claim 17 is not unpatentable over *Parker* in view of *Shannon*. Claims 18-20 are dependent upon claim 17, recite additional limitations, and are therefore patentable in their respective combinations. Withdrawal of the rejection based on § 103(a) is respectfully requested.

4. Conclusion

As all outstanding issues have been addressed, Applicant respectfully requests favorable action by the Examiner and withdrawal of the cited rejections. The Examiner is invited to contact the undersigned in an effort to discuss and resolve any remaining issues.

Respectfully submitted,

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